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· · · · ·	$N \times y$	Application No	Applicant(a)
		Application No.	Applicant(s)
Office Action Summary		09/874,166	MELVIN ET AL.
	Office Action Summary	Examin r	Art Unit
	The ARRIVANO DATE And a	J. Eric Angell	1635
	The MAILING DATE of this communication ap or Reply	pears on the cover sheet w	uth the correspondence address
THE I Exter after If the If NC Failu Any	ORTENED STATUTORY PERIOD FOR REPIMAILING DATE OF THIS COMMUNICATION insions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication period for reply specified above is less than thirty (30) days, a represent of the provision of the pr	136(a). In no event, however, may a ply within the statutory minimum of thi d will apply and will expire SIX (6) MO te, cause the application to become A	reply be timely filed  1y (30) days will be considered timely.  NTHS from the mailing date of this communication.  BANDONED (35 U.S.C. § 133).
1)[	Responsive to communication(s) filed on	·	
2a)[]	This action is <b>FINAL</b> . 2b)⊠ T	his action is non-final.	
3) <u> </u>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. on of Claims		
4)🛛	Claim(s) 1-26 is/are pending in the application	n.	
	4a) Of the above claim(s) is/are withdra	awn from consideration.	
5)	Claim(s) is/are allowed.		
6)	Claim(s) is/are rejected.		
7)	Claim(s) is/are objected to.		
8)[🛛	Claim(s) 1-26 are subject to restriction and/or	election requirement.	
pplicati	on Papers		
9)[]	The specification is objected to by the Examin	er.	
10)[	The drawing(s) filed on is/are: a)☐ acc	epted or b) objected to by	the Examiner.
	Applicant may not request that any objection to t	he drawing(s) be held in abey	ance. See 37 CFR 1.85(a).
11)	The proposed drawing correction filed on	_ is: a) _ approved b) _	disapproved by the Examiner.
	If approved, corrected drawings are required in r	eply to this Office action.	
12)	The oath or declaration is objected to by the E	xaminer.	
riority L	inder 35 U.S.C. §§ 119 and 120		
13)	Acknowledgment is made of a claim for foreign	gn priority under 35 U.S.C.	§ 119(a)-(d) or (f).
a)[	All b) Some * c) None of:		
	1. Certified copies of the priority documer	its have been received.	
	2. Certified copies of the priority documer	nts have been received in A	application No
* 5	3. Copies of the certified copies of the pri- application from the International B see the attached detailed Office action for a lis	ureau (PCT Rule 17.2(a)).	Ç
14) [ A	cknowledgment is made of a claim for domes	tic priority under 35 U.S.C	§ 119(e) (to a provisional application).
	)  The translation of the foreign language particle.  Acknowledgment is made of a claim for domes	· ·	
ttachmen	-	, , ,	
) 🔲 Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)
	ev. 04-01) Office A	Action Summary	Part of Paper No. 903

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## **DETAILED ACTION**

Claims 1-26 are currently pending in the application and are addressed herein.

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-20, drawn to a method for detecting cancer cells, classified in class 435, subclass 7.2.
  - II. Claim 21, drawn to a method for obtaining cancer therapy drugs, classified in class 435, subclass 6.
  - III. Claim 22, drawn to a method for providing the targeting of cytotoxic drugs, classified in class 435, subclass 7.1.
  - IV. Claim 23-24, drawn to "use" of a biologically active substance that is an immune activator, classified in class 514, subclass 2.
  - V. Claim 25-26, drawn to "use" of a biologically active substance that is an antisense molecule that inhibits expression, classified in class 514, subclass 2.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I-V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together or they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are drawn to different methods which utilize different materials, have different method steps and have different modes of operation, different functions, and different effects.

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- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for each Group is distinct and not required for the other Groups, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Eric Angell whose telephone number is (703) 605-1165. The examiner can normally be reached on M-F (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on (703) 308-0447. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

J. Eric Angell Art Unit 1635

DAVET NOUTER